

**REMARKS**

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed December 13, 2005. Claims 1-21 are pending in the Application. Claims 1 and 8 are the independent claims.

Claims 1-14, 18, and 19-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,501,758). Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Bisson et al. (US 6,349,092). Finally, Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.

In response to these rejections, the Claims have been amended herein, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

**Rejection of Claims 1-14, 18, and 19-21 Under 35 U.S.C. 102(e) - Chen et al.:**

Claims 1-14, 18, and 19-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,501,758).

In response to this rejection, Applicant again submits that Chen et al. do not disclose ***subdividing a payload portion of at least one of the SONET data frames comprising a SONET layer into two or more logical channels***, each logical channel having associated therewith a predetermined bandwidth capacity, nor do they disclose ***assigning a predetermined protection mechanism to each logical channel of the payload portion of the at least one of the SONET data frames comprising the SONET layer***, wherein the predetermined protection mechanism is balanced against bandwidth utilization requirements

of grouped data frames that are grouped depending upon protection desired. These aspects of the present invention being made more clear by the amendments made herein.

Chen et al., at the passages cited by Examiner (column 8, lines 24-39, for example), disclose that STM signals carrying TDM information or ATM cells can be sent over different STS paths, with the amount of bandwidth devoted to each being selected on an as-needed basis. Various protection mechanisms are applied to each path by the nature of this scheme, whether they are SONET, layer 2, etc. This is patentably distinct from the concept of dividing a SONET data frame into logical channels, ***each logical channel having a given bandwidth and a given protection mechanism***, with the considerations associated with each factor working together to shape the nature of the logical channel. Where Chen et al. discuss a common path, there is no hint or suggestion of split or tailored protection mechanisms.

Therefore, Applicant submits that the rejection of Claims 1-14, 18, and 19-21 under 35 U.S.C. 102(e) as being anticipated by Chen et al. has been traversed and respectfully requests that this rejection be withdrawn.

It should also be noted that dependent Claims 18 and 20 have been amended to reflect a prior form, and were previously rejected under 35 U.S.C. 112. In response to this previous rejection, Applicant submits that how to store data in a SONET frame is well known to those of ordinary skill in the art. The creation of the logical channels within the SONET frame of the present invention is accomplished by provisioning bandwidth and assigning varying protection to each, as described above.

**Rejection of Claim 15 Under 35 U.S.C. 103(a) - Chen et al. and Bisson et al.:**

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Bisson et al. (US 6,349,092).

Because Claim 15 is dependent from Claim 8, and in view of the arguments above, Applicants submits that the rejection of Claim 15 under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Bisson et al. has been traversed and respectfully requests that this rejection be withdrawn.

**Rejection of Claims 16 and 17 Under 35 U.S.C. 103(a) - Chen et al.:**

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.


Because Claims 16 and 17 are dependent from Claims 1 and 8, and in view of the arguments above, Applicants submits that the rejection of Claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Chen et al. has been traversed and respectfully requests that this rejection be withdrawn.

**CONCLUSION**

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: March 13, 2006

  
\_\_\_\_\_  
Christopher L. Bernard  
Registration No.: 48,234  
Attorney for Applicant

**DOUGHERTY | CLEMENTS**  
1901 Roxborough Road, Suite 300  
Charlotte, North Carolina 28211 USA  
Telephone: 704.366.6642  
Facsimile: 704.366.9744  
cbernard@worldpatents.com